IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 34283 of 2005(F)

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AGAINST THE ORDER DATED 21/11/05 IN EP 28/2005 IN OS.327/2001 of MUNSIFF COURT, PAYYANNUR

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PETITIONER:

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T.P.KUNHALIMA, W/O.IBRAHIMKUTTY,
THAYATH PARACK HOUSE, RAMANTHALY AMSOM,
ETTIKULAM DESOM, P.O.ETTIKULAM.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENT:

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THE MANAGER, NORTH MALABAR GRAMIN
BANK, RAMANTHALI BRANCH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF EP NO.28/05 IN OS NO.327/01 ON THE FILES OF MUNSIFF'S COURT, PAYYANNUR.

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No. 34283 OF 2005

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Dated this the 18th day of June, 2007

**JUDGMENT**

Having regard to the rival submissions addressed before me, I am of the view that the Writ Petition itself can be disposed of directing that the order of stay will continue on condition that the petitioner remits towards the decree debt every month, commencing from 15th July 2007, Rs.7,500/-. In the event of any two defaults in the payment of instalments, the petitioner will forfeit this benefit and under such an event it will be open to the respondent to continue with the execution and recover the entire amount in a lump. Once it is seen that the entire decree debt has been paid off, it is open to the petitioner to file an application for recording full satisfaction and the learned Munsiff will dispose of that application after hearing both sides.

**PIUS C. KURIAKOSE, JUDGE**

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